

REMARKS

Claims 1-20 are currently pending. Reconsideration and allowance of the pending claims are respectfully requested in light of the foregoing amendments and following remarks.

Objections to the Specification

The Specification stands objected to because of certain informalities noted by the Examiner in paragraph 2 of the Office action. In response, Applicants have amended paragraphs [0006], [0027], and [0028] as suggested by the Examiner. With respect to paragraph [0029], Applicants respectfully traverse the Examiner's position and submit that the term SDP-O is defined (and therefore does not lack antecedent) in paragraph [0028] as follows:

The home MGW replies to the home MSCe by sending an H.248 Reply message containing a local Session Description Protocol (SDP) message (designated SDP-O) for the home MGW (step 218). The information within SDP-O may include items like the IP address and UDP port number for which the home MGW desires to receive bearer data on and possibly a list of transcoders that the home MGW supports.

With regard to the term SDP-OS, paragraph [0029] states that "SDP-OS may be identical to SDP-O, or the home MSCe may elect to modify certain parameters (e.g., codecs) based upon local policy." Accordingly, it is apparent that neither the term SDP-O nor SDP-OS lacks antecedent. Therefore, in view of the foregoing, it is respectfully requested that the subject objections be withdrawn.

Rejections under 35 U.S.C. §103

Claims 1-3, 5, 8-10, 12, and 15-18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0027569 to Ejzak (hereinafter "Ejzak") in view of U.S. Patent No. 6,738,615 to Chow et al. (hereinafter "Chow"). Claims 4, 6, 7, 11, 13, 14, 19, and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ejzak in view of Chow and further in view of U.S. Patent Application Publication No. 2002/0167946 to Gallant ("hereinafter "Gallant").

In response, Applicants respectfully traverse the rejection of the pending claims on the grounds that the cited combination of references is defective in establishing a prima facie case of obviousness with respect to the claims.

As the PTO recognizes in MPEP § 2142:

The examiner bears the initial burden of factually supporting any prima facie conclusion of obviousness. If the examiner does not produce a prima facie case, the applicant is under no obligation to submit evidence of nonobviousness. . . .

It is submitted that in the present case, the Examiner has not factually supported a prima facie case of obviousness with regard to the subject claims for at least the following reasons.

MPEP § 2143.03 states that "All words in a claim must be considered in judging the patentability of that claim against the prior art.' *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970)." However, in the present case, it is clear that, when all of the words of the claims are considered, the claims are in fact patentable over the cited combination of references.

Independent claim 1 recites, *inter alia*:

receiving a circuit-switched call origination message in a home mobile station domain, wherein the circuit-switched call origination message specifies a destination terminal device having a directory number assigned with the home mobile station domain;

(emphasis added).

Applicants respectfully traverse the Examiner's position that paragraphs [0034] through [0046] of Ejzak teach this element and submit that a careful reading of the cited text reveals it to be completely devoid of any teaching of a "call origination message [that specifies] a destination terminal device having a directory number assigned with the home mobile station domain," as clearly required by claim 1. The deficiencies of Ejzak in this regard are not remedied by Chow, which is cited as teaching, at column 68, lines 50-64:

receiving, by the home mobile station domain from the servicing mobile station domain, a first message that requests the home mobile station domain to provide a call progress signal to the calling party prior to establishment of a bearer path between the serving mobile station domain and a telephone network of the calling party; and providing, by the home mobile station domain, a first call progress signal to the calling party.

As with the cited portion of Ejzak above, a careful reading of the Chow passage reveals that the reference fails to teach the subject element. In particular, while the cited portion of Chow does reference generating a ring-back tone toward the calling party, it fails to teach receiving from a servicing mobile station a request that the home mobile station generate such a signal prior to the establishment of a bearer path between the serving mobile station and the telephone network of the calling party, as clearly required by claim 1.

In view of the foregoing, it is apparent that the subject rejection of claim 1 is not supported by the cited combination and should be withdrawn. Independent claims 8 and 15 include limitations similar to those of claim 1 and are therefore also deemed to be in condition for allowance for the reasons set forth above. Claims 2-7, 9-14, and 16-20 depend from and further limit independent claims 1, 8, and 15, and are therefore also allowable for at least that reason.

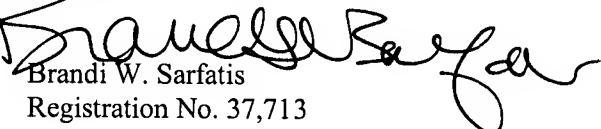
Thus, for at least this additional reason, the Examiner's burden of factually supporting a *prima facie* case of obviousness with respect to claims 1-20 has clearly not been met, and the rejection thereof under 35 U.S.C. §103 should be withdrawn.

Conclusion

It is clear from the foregoing that all of the pending claims are in condition for allowance and prompt notification to that effect is respectfully requested.

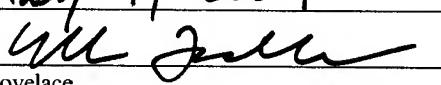
The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

Respectfully submitted,


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Dated: 5/4/09

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Date:	<u>May 4, 2009</u>
 Ellen Lovelace	